

Amendments to Drawings:

The attached sheet of drawings includes changes to Fig 1. This sheet, which includes Fig. 1 replaces the original sheet including Fig. 1. In Fig. 1, reference numeral 11 has been included to indicate the stabilizer protrusion mentioned in claim 4.

REMARKS/ARGUMENTS

After the foregoing Amendment, Claims 1 – 5 are currently pending in this application. Claims 1 – 5 have been amended. In the specification, paragraph [0023] has been amended to include reference numeral 11 pointing out the protrusion in Fig. 1 Paragraph [0024] has been amended to correct an obvious typographical error in the originally filed specification. Paragraph [0025] has been amended to correct an obvious typographical error in the originally filed specification whereby the reference numeral for the stabilizer 10 was wrongly stated as “40”. Various grammatical errors in the paragraph have also been corrected.

In the drawings, Figure 1 has been amended to include reference numeral 11 to indicate the stabilizer protrusion mentioned in claim 4. Applicants submit that no new matter has been introduced into the application by these amendments.

Objections to the Drawings

The Examiner objected to the drawings because the "protrusion" feature in claim 4 is not referenced in the drawings. A replacement sheet including Figure 1 which has been revised to indicate the protrusion as reference numeral 11 is

submitted herewith. Accordingly, the withdrawal of the objection to the drawings is respectfully requested.

Claim Rejections - 35 USC §112

Claims 1 – 5 stand rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The amendment to claim 1 obviates the rejection. Accordingly, the withdrawal of the rejection under § 112 is respectfully requested.

Claim Rejections - 35 USC §103(a)

Claims 1 – 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over German Publication DE4432821. Claims 1 – 3 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0197452.

The present invention is drawer guide rail assembly mounted for a guided and stabilized in and out movement with respect to a furniture member. The assembly includes a fixed guide for attachment to an inner sidewall of the furniture member and has at least one running surface. The assembly also includes an intermediate pull out channel capable of sliding back and forth relative to the fixed

guide on the running surface of the fixed guide. An upper surface of the intermediate pull out channel section provides a second running surface. The assembly further includes a first roller bearing positioned within the intermediate pull out channel for enabling sliding movement of the intermediate pull out channel on the fixed guide; and an outer pull out channel for attachment to an undersurface of a drawer capable of sliding back and forth on the intermediate pull out channel relative to the intermediate pull out channel. A second roller bearing is positioned within the outer pull out channel for enabling sliding movement of the outer pull out channel on the intermediate pull out channel. The fixed guide running surface is a T-shaped flange that extends upwards. The drawer guide rail assembly also includes a stabilizer positioned between the intermediate pull out channel and the outer pull out channel. The stabilizer is mounted on top of the intermediate pull out channel, and includes a shoulder which is horizontally extended from each side of the stabilizer to be fitted with the second roller bearing for guiding and stabilizing the movements of the outer pull out channel relative to the intermediate pull out channel. The second roller bearing is also disposed over the stabilizer.

Claim 1, as amended, clearly recites that the stabilizer is a distinct separate component from the other components of the guide rail assembly in view of the Examiner's comments in items 5 to 8, as well as to correct the recitation of the intermediate pull out channel's "upper surface" as per items 3 and 4.

Amended claim 1 further recites that the stabilizer is mounted on top of the intermediate pull out channel and that the second roller bearing is disposed over the stabilizer. Basis for the above amendments to claim 1 is found in the published application at page 2 lines 1 to 6 of paragraph [0031] as well as being disclosed in Figures 2 and 4.

DE `821 clearly differs from the guide rail assembly of amended claim 1 in that it does not disclose a stabilizer component that is a distinct separate component from the other assembly components and that is mounted on top of the intermediate pull out channel and includes a shoulder that extends horizontally from each side such that the second roller bearing is fitted thereon and disposed over the stabilizer.

In item 6, the Examiner stated that DE `821's equivalent to the stabilizer of this application is element 48 (48a and/or 48b). As mentioned in column 5 lines 10 to 24, 31 to 40 and 51 of DE `821, it is obvious that elements 48 are in fact profiles shaped from sheet metal for the mounting of rollers 42, 44. Hence, for the sake of discussion, element 48 should more accurately be deemed as broadly equivalent to the receptacle for mounting the roller bodies of the second roller bearings 25 of this application (publication, paragraph [0026]) and not stabilizer 10. An English translation of DE `821 is enclosed herewith.

From lines 7 to 8 of paragraph [0026] and Figures 1, 2 and 4 of this published application, it is evidently clear that in addition to being distinct from the intermediate pull out channel 30, the stabilizer 10 of this application is distinct from the second roller bearing 25 (receptacle with roller bodies).

Kung (not applicable to claim 4) also does not disclose a stabilizer component that is a distinct separate component from the other assembly components, that is mounted on top of the intermediate pull out channel, and that includes a shoulder which extends horizontally from each side such that the second roller bearing is fitted thereon and disposed over the stabilizer.

In item 7, the Examiner stated that Kung's equivalent to the stabilizer of this application is element 31. As per page 1 lines 1 to 3 of paragraph [0018] of Kung, element 31 is in fact the horizontal top portion of inner slide rail 30 (intermediate pull out channel) and is clearly part of inner slide rail 30, i.e., not a distinct separate component from other components of the assembly.

The fact that stabilizer 10 of this application is an individual component distinct from other components of the assembly is evident from the wording of amended claim 1, in particular the phrase "mounted on top of the intermediate pull out channel". In order to be mounted on top of the intermediate pull out channel, obviously the stabilizer would have to be a separately provided component, as

opposed to being part of, or derived from, the intermediate pull out channel itself as in the assembly disclosed in Kung.

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kung in view of U.S. Patent No. 5,344,227 to Röck.

As mentioned above, Kung does not disclose a stabilizer component that is a distinct separate component from the other assembly components, whereas element 31 is in fact the horizontal top portion of the intermediate pull out channel (inner slide rail). In item 8, the Examiner stated that Röck et. al.'s equivalent to the stabilizer protrusion of this application (page 2 lines 9 to 11 of paragraph [0023] and seen in Figure 1 of the published application) is element 12. As per column 3 lines 47 to 50 of Röck et. al., element 12 is, in fact, a tab stamped out of the upper surface central rail 2 (intermediate pull out channel) i.e., element 12 is a protrusion provided on the intermediate pull out channel of the assembly of Röck et. al and not a protrusion provided on a stabilizer component distinct from the intermediate pull out channel as per pending claim 4 of this application.

In view of the above, it is submitted that none of the cited prior art references discloses the invention of amended claim 1 having the above-mentioned features, i.e., amended claim 1 together with the associated dependent claims are novel.

As can be seen from the preceding paragraphs, in addition to differing teachings with regards to providing a stabilizer component, none of the three cited

references teach of providing a separate stabilizer component that is distinct from the other components of the assembly. Consequently, without any prior knowledge of the invention of this application, there would be no motivation for a person skilled in the art to combine the teachings of DE `821, Kung and/or Röck et. al. Additionally, combining the teachings of DE `821, Kung and/or Röck et. al. will not lead to the invention of amended claim 1.

Accordingly, the withdrawal of the rejection of claims 1 – 5 under 35 U.S.C. § 103 is respectfully requested.

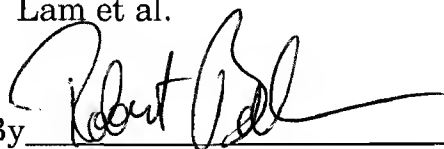
Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1 – 5, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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Enclosures